

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MISSION TRADING COMPANY, INC.,

Plaintiff,

v.

DAVID VINCENT LEWIS, et al.,

Defendants.

Case No. 16-cv-01110-JST

**ORDER GRANTING REQUEST FOR
ENLARGMENT OF TIME**

Re: ECF No. 43

Now before the Court is the motion for enlargement of time filed by Plaintiff Mission Trading Company, Inc. ECF No. 43. Mission Trading seeks an extension of time to October 7, 2016 to respond to Defendant David Vincent Lewis's motion to dismiss. ECF No. 42. The opposition would otherwise be due by September 14, 2016. ECF No. 44. In support of the motion, Plaintiff's counsel has submitted a "To Whom It May Concern" letter from her doctor, advising that she should refrain from work until October 7, 2016 due to injuries she received in a car accident.

Defendants' counsel refused to stipulate to a continuance, necessitating the filing of a motion, and now opposes the motion on the merits. Defendants essentially call Plaintiffs' counsel and her doctor liars regarding the extent of her injuries, and wonder aloud how Plaintiffs' counsel was able to file a motion for continuance if she is actually temporarily disabled. Defendants ask the Court to review, among other things, "the photos of the alleged accident [and Plaintiff's counsel's] medical records." ECF No. 45 at 3.

Judges and commentators have bemoaned the decline of civility in our profession for more than two decades. See, e.g., Edwards v. Ylst, 9 F.3d 1551 (9th Cir. 1993) ("That sort of language is an unfortunate example of the decline of professionalism and civility that we see all too often.").

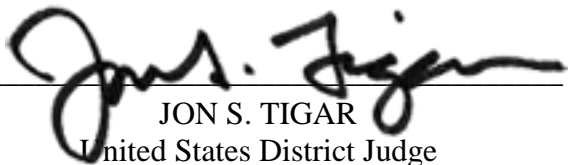
1 In this Court, when a lawyer submits a letter from a doctor stating that the lawyer was injured and
2 needs a brief continuance, that lawyer receives one. If the lawyer is not being truthful, is
3 malingering, or is simply stalling for time, that lawyer's character will reveal itself in the course of
4 the litigation. The Court will not use the occasion of the continuance request to litigate the merits
5 of the car accident that led to the request.

6 Counsel are urged to review the Northern District of California's Guidelines for
7 Professional Conduct, which are available at:
8 www.cand.uscourts.gov/professional_conduct_guidelines. The Guidelines "apply to all lawyers
9 who practice in the United States District Court for the Northern District of California." Id.
10 Those guidelines provide, among other things, that "[a] lawyer should not arbitrarily or
11 unreasonably withhold consent to a request for scheduling accommodations."

12 Plaintiff's request is granted. Plaintiff's response deadline is continued to October 14,
13 2016. Defendant Lewis' reply is due October 21, 2016. The hearing is continued to November 3,
14 2016.

15 IT IS SO ORDERED.

16 Dated: September 13, 2016

17 
18 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California